

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAKA KWANZAA,	:	
	:	Civil Action No. 05-5976(RMB)
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
DEVON BROWN, et al.,	:	
	:	
Defendants.	:	

For the reasons expressed in the Court's Opinion filed herewith,

It is on this 17th day of August, 2006,

ORDERED that, pursuant to 28 U.S.C. § 1915(a) and (b), the application by plaintiff, Chaka Kwanzaa, to proceed in forma pauperis is hereby granted; and it is further

ORDERED that the Clerk of the Court is directed to file the Complaint without prepayment of the filing fee; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail on the Attorney General of the State of New Jersey and on the Warden at South Woods State Prison; and it is further

ORDERED that plaintiff is assessed a filing fee of \$250.00 which shall be deducted from plaintiff's prison account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below, regardless of the outcome of the litigation; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$250.00 fee is paid, each month that the amount in plaintiff's

prison account exceeds \$10.00, the agency having custody of plaintiff shall assess, deduct from his account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to plaintiff's prison account, with each payment referencing the civil docket number of this action; and it is further

ORDERED that the Complaint is DISMISSED WITH PREJUDICE, in its entirety, as against defendants, Brown, Blakesee, Sheppard, Meehan, and Ireland, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1), for failure to state a claim; and it is further

ORDERED that the Complaint is DISMISSED WITH PREJUDICE as time-barred as against defendants S. Pinchak, T. Moore, R. Swatij, W. Wise, SCO Gervasi, SCO Godown, SCO Petti, and Sgt. McWherter; and it is further

ORDERED that the Complaint is DISMISSED WITHOUT PREJUDICE, for failure to state a claim at this time, as against defendants, Chairman D'Amico, M. Dowling, and E. Oskay, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1); and it is further

ORDERED that plaintiff's claims alleging interference with the mail, denial of access to courts as to the dismissal of his state court appeal on December 9, 2002, a time-barred arbitrary transfer by defendant Knowles, denial of disciplinary due process, and false disciplinary charges are DISMISSED WITH

PREJUDICE pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) for failure to state a claim; and it is further

ORDERED that all remaining claims alleging denial of access to the courts are DISMISSED WITHOUT PREJUDICE for failure to state a claim at this time, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1); and it is further

ORDERED that plaintiff's denial of medical care claim, unlawful cell searches claim, various retaliation claims, denial of religious services claim, violation of the right to medical privacy claim, and the excessive force claim against defendant Dice, SHALL PROCEED at this time; and it is further

ORDERED that plaintiff is granted leave to amend his Complaint within thirty (30) days, pursuant to Fed.R.Civ.P. 15, to assert facts sufficient to support a claim of excessive force against defendant Crenny, as set forth in this Court's accompanying Opinion; and it is further

ORDERED that the Clerk of the Court shall issue summons, and the United States Marshal shall serve a copy of the Complaint, summons, and this Order upon all defendants, except defendants, Brown, Blakeese, Sheppard, Meehan, and Ireland, S. Pinchak, T. Moore, R. Swatij, W. Wise, SCO Gervasi, SCO Godown, SCO Petti, and Sgt. McWherter, Chairman D'Amico, M. Dowling, and E. Oskay, pursuant to 28 U.S.C. § 1915(d), with all costs of service advanced by the United States; and it is further

ORDERED that the remaining defendants, except defendants, Brown, Blakesee, Sheppard, Meehan, and Ireland, S. Pinchak, T. Moore, R. Swatij, W. Wise, SCO Gervasi, SCO Godown, SCO Petti, and Sgt. McWherter, Chairman D'Amico, M. Dowling, and E. Oskay, shall file and serve a responsive pleading within the time specified in Federal Rule of Civil Procedure 12, pursuant to 42 U.S.C. § 1997e(g)(2); and it is finally

ORDERED that plaintiff's request for appointment of counsel is denied without prejudice.

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge